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SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR
JOE McCARTHY, ROY M. COHN, AND
FRANCIS P. CARR

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
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PART 14

APRIL 30, 1954

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FRIDAY, APRIL 30, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

AFTER RECESS

(The hearing was resumed at 2:30 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett M. Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Hon. Robert T. Stevens, Secretary of the Army; John G. Adams, counselor to the Army; H. Struve Hensel, Assistant Secretary of Defense; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army; and Frederick P. Bryan, counsel to H. Struve Hensel, Assistant Secretary of Defense.

Senator MUNDT. The committee will please come to order.

Before we resume with Mr. Juliana who is in the witness chair, the chairman would like to announce for the benefit of his colleagues and to the credit of the Senate Ladies' Club that we have adjudicated one of the collateral controversies which have arisen in connection with these hearings.

We find, unhappily, that this room had been reserved some time ago for an annual luncheon of the Senate Ladies, which they put on here every year in May, which is Tuesday, May 4.

As you know, the committee has been trying to expedite the hearings as fast as possible, and we, by unanimous vote, decided we should continue with the hearings.

And I have a letter here from Mrs. Allen Frear, wife of Senator Frear, who is chairman of the Program Committee of the Senate

Wives, which says that naturally they had hoped very much to have their luncheon here on an annual occasion, and—

The wife of the President is invited, but that she has contacted a majority of the chairmen of the luncheon committee, and the greater number has expressed a desire to release our rights to the caucus room and cancel the luncheon for Mrs. Eisenhower. We feel that the Rules Committee has been very generous and considerate of our request, which was to reserve the room, but we also realize that the business of the Senate necessarily takes priority over an engagement such as this one.

On behalf of the committee, I desire to express our appreciation to the Senate wives. And, since this is an apology day, I apologize to the Senate wives on behalf of our committee. We are sorry that this conflict arose between a very pleasant occasion and a very unpleasant business. And we appreciate very much their consideration.

Mr. Juliana, I believe you were on the witness stand.

Will someone refresh the memory of the Chair as to where we left off? It was your turn, Mr. Welch.

TESTIMONY OF JAMES N. JULIANA—Resumed

Mr. WELCH. Mr. Chairman, when I suggested this morning that the Senator from Wisconsin, I would be happy to see him follow Mr. Stevens to the witness stand, he nodded his head in what I took to be agreement.

And I would like to say to you, Mr. Senator, that I am confident, if you now join in that request, that Mr. Jenkins will see to it that the order is interrupted and that you do go on.

Senator MUNDT. The Chair must remind again the counsel for Mr. Stevens, that the control of the hearings is in the hands of the subcommittee and of our counsel, and we will decide the order of witnesses.

Mr. WELCH. Perhaps I spoke thoughtlessly. I supposed if the Senator added his great power to my small voice it would be done that way.

Senator MUNDT. I doubt whether, collectively and in concert, you could decide the decision of the subcommittee on that score, sir.

Mr. WELCH. I beg your pardon; I merely hoped I could effect it.

Senator MUNDT. You have the right to try.

Senator McCARTHY. I might say, if the Chair wants me to, I will be glad to answer it.

Mr. JENKINS. I desire to say, Mr. Chairman, that I have never given any indication to any of the parties interested as to the order in which the witnesses would be put on.

Senator MUNDT. Very good.

Mr. WELCH. Could I have that remark read; I couldn't get it.

Mr. JENKINS. I said I desire to say, Mr. Welch, that I have given no indication to anyone as to the order in which we desire to put on the proof.

Mr. WELCH. Then we may all have a glad surprise.

I have had my stopwatch running for 2 or 3 minutes, but I guess I am stuck with it.

Senator MUNDT. Will you proceed?

Mr. WELCH. Mr. Juliana, I think perhaps it would help us, in this courtroom, if we now got a precise schedule of events as they took place.

On what day did Mr. Schine, as you understand it, go to New York to get the photograph that has been the subject of so much discussion?

Mr. JULIANA. I do not know the exact date. It was either last Wednesday or Thursday, I believe.

Mr. WELCH. Of last week?

Mr. JULIANA. Yes, sir.

Mr. WELCH. And when did the photograph come into this room?

Mr. JULIANA. I received the photograph Thursday, the first day of these hearings.

Mr. WELCH. At about what time of the day, sir?

Mr. JULIANA. I think it was between 3:30 and 4 o'clock in the afternoon.

Mr. WELCH. Am I wrong, or would you say I was wrong, if I said I was under the impression Mr. Schine brought them on the very day that you received them, sir?

Mr. JULIANA. No; I think you are right.

Mr. WELCH. And so you came into the possession of the disputed photograph on the afternoon of Thursday, a week ago yesterday, at about 3 p. m.?

Mr. JULIANA. Yes, sir.

Mr. WELCH. And when did you first talk to anyone about the photograph after it came into your possession?

Mr. JULIANA. I spoke to Mr. Cohn in the caucus room during the hearings, by whispering into his ear that the photograph or the picture, what I assumed to be the photograph or the picture, had arrived.

Mr. WELCH. The photograph, is that right?

Mr. JULIANA. I didn't know what the photograph was.

Mr. WELCH. You just said the photograph, and you didn't say a photograph?

Mr. JULIANA. I will now say a photograph.

Mr. WELCH. You want to change your testimony?

Mr. JULIANA. I sure do; a photograph.

Mr. WELCH. By the way, would you like to change your testimony in any respect in which you testified this morning?

Mr. JULIANA. I don't believe so.

Mr. WELCH. Have you read it, sir?

Mr. JULIANA. Yes; I have.

Mr. WELCH. Now, you whispered to him not "the photograph has come," you are now sure, but "a photograph has come"; is that right?

Senator McCARTHY. Could I have that question read?

Senator MUNDT. Will the reporter read the question, please?

(Whereupon, the question referred to was read by the reporter as above recorded.)

Mr. WELCH. I think perhaps I had better state it again, because these questions unhappily depend a little on the inflection you give them.

When the picture reached the courtroom, you turned to Mr. Cohn and whispered something to him, didn't you?

Mr. JULIANA. I advised Mr. Cohn of something; yes, sir.

Mr. WELCH. Advised him in a whisper, didn't you?

Mr. JULIANA. Yes, sir.

Mr. WELCH. What did you advise him in a whisper? That the photograph had come or merely that a photograph had come?

Mr. JULIANA. I don't recall the exact words. I may have said the picture has arrived.

Mr. WELCH. The picture?

Mr. JULIANA. Or a picture.

Mr. WELCH. Now would you like to choose?

Mr. JULIANA. I won't choose either one or the other, because I cannot swear what I told Mr. Cohn.

Mr. WELCH. Were you under the impression that Mr. Cohn was expecting a picture?

Mr. JULIANA. I was under that impression.

Mr. WELCH. Were you under the impression that Mr. Cohn was expecting a picture showing Secretary Stevens and Schine alone?

Mr. JULIANA. I did not know.

Mr. WELCH. Now yes or no. Were you under the impression Cohn was expecting a picture showing Secretary Stevens and Private Schine alone?

Mr. JULIANA. I am not going to answer that yes or no, because if I do it is an unfair question.

Mr. WELCH. I don't think that is very unfair. Did you understand—I am only asking you what you understood, sir. Did you understand—may I finish the question?

Mr. JULIANA. Yes, sir.

Mr. WELCH. Did you understand Mr. Cohn was leaning forward in his seat hoping to see a picture of the Secretary and Schine alone?

Mr. JULIANA. I was——

Senator MUNDT. Have you a point of order?

Senator McCARTHY. I was going to suggest to the Chair that while Mr. Welch is insisting upon a "yes" or "no" answer, it is impossible for the committee to know if it can be answered "yes" or "no." I believe it is up to the witness to decide.

Mr. WELCH. I don't want to be unfair to the witness. I thought it was a fair question.

Would you tell me, Mr. Jenkins, if I am wrong?

Senator MUNDT. Counsel has a right to ask for a "yes" or "no" answer. If the witness is unable to answer it "yes" or "no," I presume he has a right to say so.

Senator McCARTHY. I thank you, Mr. Chairman.

Mr. JULIANA. Would you repeat the question, please?

Mr. WELCH. Yes. When you leaned over to tell this glad, good news to Mr. Cohn, were you under the impression that he was hoping to hear you had a picture of the Secretary and Private Schine alone?

Mr. JULIANA. I was not under the impression that this was glad news to Mr. Cohn.

Mr. WELCH. Glad good news.

Mr. JULIANA. Glad good news to Mr. Cohn. I was under the impression that Mr. Cohn knew and was expecting a picture of Mr. Schine and Secretary Stevens to be brought here from New York.

Mr. WELCH. Which picture Mr. Cohn wished to have placed in evidence?

Mr. JULIANA. I assume that that is what the purpose of the picture was.

Mr. WELCH. Without any doctoring?

Mr. JULIANA. I assume that, too; yes, sir.

Mr. WELCH. Why did you doctor it, then, when you got the very picture you now tell us Cohn wanted put in evidence?

Mr. JULIANA. I "doctored" the picture? I contend I did not doctor it.

Mr. WELCH. All right, altered. Would you like that word better, sir?

Mr. JULIANA. Would you repeat the question again, please?

Mr. WELCH. Would you read it to him?

Senator MUNDT. The reporter will read the question.

(Whereupon, the question was read by the reporter as above recorded.)

Mr. WELCH. Would you like better to use the word "altered" than "doctored"?

Mr. JULIANA. I believe something preceded the word "altered" in that question.

Mr. WELCH. Would you read the question ahead of the one about "altered" which had this word "doctored" in it, sir?

(The questions referred to were read by the reporter as above recorded.)

Mr. WELCH. Now, do you understand where the question stands, Mr. Juliana? If you don't, I would like to make it clear to you.

Mr. JULIANA. Would you make it clear, please?

Mr. WELCH. My question to you is: Why, then, did you either "doctor" or "alter" a picture that you then had in your possession which you understood was the very picture Cohn wished to put in evidence?

Mr. JULIANA. I was under the impression, as I previously testified to here, and I was under the instructions, we can call them, by Mr. Cohn and/or Mr. Jenkins, that I was to blow up this picture and to make available to Mr. Jenkins a picture of Mr. Schine and Secretary Stevens.

Mr. WELCH. Alone?

Mr. JULIANA. The word "alone" was never mentioned to me.

Mr. WELCH. I find myself so puzzled to know why you just did not make a photostat of the picture that was delivered to you that afternoon and hand it over to Mr. Jenkins. Would you tell us how come you did not do that?

Mr. JULIANA. I just mentioned or just stated that I was under instructions to furnish a picture of only the two individuals.

Mr. WELCH. Then you mean——

Senator MUNDT. I am sorry, the counsel's time has expired.

Senator McCarthy?

Senator MCCARTHY. Just one of two questions, Jim.

Mr. Welch has been using the word "altered" or "doctored" very deliberately and very carefully in each sentence almost. I want to ask you to look at the picture that Mr. Welch presented and tell us whether or not in your opinion that is the same picture from which the enlargement was made. That was presented by Mr. Welch, in case you were not here, Mr. Juliana, with the assurance to the committee that that was the original from which the enlargement of Schine and Stevens was made.

Mr. JULIANA. I think I will have to have that other picture, too.

Senator McCARTHY. Why don't you give him all three pictures? There are three pictures.

Mr. Chairman, could we just for the sake of keeping the record accurate, could we number exhibit 1—the picture from Dave Schine—as 2, and the picture presented by Mr. Welch as No. 3?

Mr. WELCH. They are already numbered somewhat differently, Senator.

Senator McCARTHY. How are they numbered, so I will know?

Mr. JULIANA. This is No. 3, sir.

Senator McCARTHY. The one from Schine's wall is No. 3?

Mr. JULIANA. Yes, sir.

Senator McCARTHY. And what number is the one introduced in evidence?

Mr. JULIANA. No. 4.

Senator McCARTHY. What number is the one produced by Mr. Welch?

Mr. JULIANA. No. 2, sir.

Senator McCARTHY. So let's call Welch No. 2, right? No. 3 is Schine. And No. 4 is the first exhibit.

Could you tell me, Mr. Juliana, using Mr. Welch's definition of "doctoring," which apparently means what you call in newspaper parlance "clipping," is there a doctoring assuming picture No. 3 is the same as No. 2? Was there a doctoring of Welch's picture, also?

Mr. JULIANA. Yes, sir, I would say so.

Senator McCARTHY. In other words, they clipped from that at least half a man, right?

Mr. JULIANA. At least, and a little more than half a man.

Senator McCARTHY. Other things are clipped off the picture? Is that a fact?

Mr. JULIANA. Yes, sir.

Senator McCARTHY. So if you want to call it doctoring, using Welch's definition, Mr. Welch has also doctored a picture which he presented here, or someone else?

Mr. JULIANA. I would think so.

Senator McCARTHY. As far as the faces are concerned on both the Welch picture, the Schine picture, and the exhibit—as far as the faces, the posture of both Schine and Stevens, they appear to be almost identical in all three, right?

Mr. JULIANA. They appear so; yes, sir.

Senator McCARTHY. In other words, just so the record is clear, they are not put nearer together, they are not shoved farther apart.

Mr. JULIANA. No, sir.

Senator McCARTHY. So if you take the picture of Stevens and Schine and forget about the removal of the man who is removed from Welch's picture, the removal of the man who was removed from Schine's picture, there is no doctoring of any kind, is that correct?

Mr. JULIANA. Yes, sir.

Senator McCARTHY. The expression of both Stevens and Schine is the same in all three pictures, is that correct?

Mr. JULIANA. I would say so.

Senator McCARTHY. The same plane in the background?

Mr. JULIANA. It appears to be, yes, Senator.

Senator McCARTHY. They are standing next to each other, of course.

Mr. JULIANA. Yes, sir.

Senator McCARTHY. Mr. Juliana, is it correct that you were asked to get the picture of Stevens and Schine enlarged; that request was made either by Mr. Cohn or by Mr. Jenkins; and that at that time you did not know about the fourth man in the picture who is in the Welch picture?

Mr. JULIANA. Senator, I had never seen the picture before.

Senator McCARTHY. You had never seen the Welch picture?

Mr. JULIANA. I had never seen any of these pictures.

Senator McCARTHY. So someone either in the Army laboratory or the Air Corps laboratory, someplace, clipped the fourth man off; is that right?

Mr. JULIANA. I would assume so, yes.

Senator McCARTHY. You say that you assume responsibility for clipping off the third man?

Mr. JULIANA. I so testified, Senator.

Senator McCARTHY. Mr. Juliana, before you came to the committee, now many years did you work in the FBI?

Mr. JULIANA. Approximately 6½, sir.

Senator McCARTHY. At one time was Mr. Frank Carr, the chief counsel of the committee, your superior?

Mr. JULIANA. He was, sir.

Senator McCARTHY. In other words, you worked in the Communist subversive squad in New York; is that correct?

Mr. JULIANA. Yes, Senator.

Senator McCARTHY. And you helped develop the evidence which resulted in the conviction of the 11 so-called second-string Communists?

Mr. JULIANA. If I may correct you just a little, it was the 11 first-string Communists, and the second stringers I believe, amounted to 21.

Senator McCARTHY. In other words, you worked on the first string and the second string?

Mr. JULIANA. Yes, sir.

Senator McCARTHY. I am going to ask you a question now. You may not be able to answer it, Mr. Juliana, because of the rules and regulations of the FBI.

For the year and a half or 2 years before you came with the committee, what kind of work were you doing for the Federal Bureau of Investigation? As I say, if you feel you are violating a rule or regulation insofar as secrecy is concerned, you, of course, may refuse to answer that question.

Mr. JULIANA. I believe I can answer it by stating that I was on a confidential assignment involving the internal security of this country.

Senator McCARTHY. Can you go this far without violating your instructions, to say that you were on a highly confidential assignment having to do with communism and espionage in the United States?

Mr. JULIANA. Yes, sir.

Senator McCARTHY. No further questions, Mr. Chairman.

Mr. JENKINS. I have no further questions, Mr. Chairman.

Senator MUNDT. Mr. Juliana, the Chair would like to determine—I think you have answered this question; perhaps I am repetitious—but I would like your forthright answer as to whether or not you acted on your own responsibility in producing for the committee the photograph from which the likeness of Colonel Bradley had been eliminated; or did you do that in conjunction with a plan or a program which was worked out between you and others?

Mr. JULIANA. Senator, I took the responsibility to advise the individual who actually went to the photostat room with it, to eliminate the colonel. However, I was acting on instructions that I had received from, as I have stated, Mr. Cohn and/or Mr. Jenkins.

Senator MUNDT. Yes, but as you have stated, neither Mr. Cohn nor Mr. Jenkins, I believe, asked you to eliminate anything from the picture.

Mr. JULIANA. No.

Senator MUNDT. They asked you to reproduce a blown-up photostat if you had one of Secretary Stevens and Private Schine?

Mr. JULIANA. Yes, sir.

Senator MUNDT. It was your action, your instructions relayed to the photostater or photostatee—if there is such a word; whoever did the photostating—relayed to the photostat laboratory that resulted in Colonel Bradley's being deleted?

Mr. JULIANA. Yes, sir; I took that responsibility.

Senator MUNDT. You took that responsibility yourself.

The question, I think, which is of paramount interest to the committee and the country is why you did that? Was that done with intent to deceive Mr. Jenkins or the committee?

Mr. JULIANA. That was done with no intent to deceive anyone, nor was it done with any intent to trick anyone.

It was done because I had instructions to furnish Mr. Jenkins with a picture of Secretary Stevens and Mr. Schine.

Senator MUNDT. So that you are testifying that it was your impression that the subcommittee was primarily interested in the likenesses of Secretary Stevens and Private Schine?

Mr. JULIANA. Yes, sir.

Senator MUNDT. Are you quite sure, in searching your conscience and your mind, that there was no attempt to deceive or defraud anybody by what you have done?

Mr. JULIANA. I know of no such intent, Senator.

Senator MUNDT. Are you quite sure that none of your associates had suggested to you that perhaps it might be a good trick to eliminate Colonel Bradley?

Mr. JULIANA. No one ever suggested any such thing to me.

Senator MUNDT. You are quite sure that the deletion was made on your own responsibility, then, laboring under whatever impression you have?

Mr. JULIANA. I am quite sure; yes, sir.

Senator MUNDT. What was your purpose of having the additional three photostats made? You had two made, I think, with the colonel out of the picture, and two of them made with the colonel in the picture. And was that to have them available if the committee wanted them, and had somebody instructed you to do that, or what was the purpose of that?

Mr. JULIANA. Senator, I had no instructions as to the number of copies to be made. I did, or I instructed Mr. Surine to have 2 and 2 made, and why at this point I can't say definitely. But I would go a little further and say it was most likely because in the past I have always had an additional copy made of almost every document I ever had photostated, which goes into thousands of documents with the FBI, when I was so employed.

Also, I thought in my own mind it would be good to have an extra copy available.

Senator MUNDT. What did you have in mind at the time you said to Mr. Surine, "Have the photostat laboratory make us four, two with the colonel in and two with the colonel out"?

Mr. JULIANA. For the same reason, it was to have extra copies available, I assume, and for no other reason that I know of.

Senator MUNDT. Was there some uncertainty, in your mind at that time, as to whether the subcommittee wanted the group of three or the group of two? Or I was wondering why you asked him to make two of each?

Mr. JULIANA. There was no uncertainty at all in my mind, Senator, and I was under instructions to get the picture of the two individuals in it; and no one had given me instructions to make any number of copies.

Senator MUNDT. So much now for getting the picture. Do you also assume the responsibility for yourself of determining which of the four pictures which had come back to you as enlarged photostats was subsequently delivered to counsel Jenkins in the newspaper wrap?

Mr. JULIANA. I do.

Senator MUNDT. Did you do that on your own or after consultation with other members of the staff, as to which of the four should be delivered?

Mr. JULIANA. I did that on my own as best as I can recollect, sir.

Senator MUNDT. And acted on your own responsibility?

Mr. JULIANA. Yes, sir.

Senator MUNDT. With any intention to deceive or under the impression that that was the significant part of the picture?

Mr. JULIANA. Without any malicious intention whatsoever, Senator.

Senator MUNDT. Was there any intention to deceive whatsoever, whether malicious or not?

Mr. JULIANA. No, sir.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. Do you also take the full responsibility for withholding from counsel, Mr. Jenkins, any knowledge or information that this picture of Mr. Schine and Secretary Stevens was taken from a group picture?

Mr. JULIANA. I do, Senator McClellan.

Senator McCLELLAN. Then the counsel at the time he presented the picture that is now exhibit No. 4, of Mr. Schine and Secretary Stevens, had no knowledge that it came from a group picture, did he?

Mr. JULIANA. To my knowledge, he did not.

Senator McCLELLAN. You did not acquaint him with that fact?

Mr. JULIANA. No, sir.

Senator McCLELLAN. You take the responsibility now for failing to inform him so that he might have been guided accordingly, do you?

Mr. JULIANA. I do; yes, sir.

Senator McCLELLAN. That is all.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. I have only one question. Why did you deliver 2, since they were different photographs, and why did you not deliver a blowup of each one of the photographs, and 1 containing 3 characters and 1 containing 2?

Mr. JULIANA. The only reason I did not, Senator, was because in discussing this picture with Mr. Cohn and Mr. Jenkins at the original meeting, there was never any mention of another party, and I was under the continual instruction to furnish a picture of Secretary Stevens and Private Schine.

Senator DIRKSEN. I have no more questions.

Senator JACKSON. I have no questions.

Senator MUNDT. Senator Jackson and Senator Potter?

Senator POTTER. I have no questions.

Senator SYMINGTON. I have no questions.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. I have no questions.

Senator MUNDT. Mr. Welch?

Mr. WELCH. Mr. Juliana, you just told us that you were under continuous instructions to furnish a picture of Stevens and Schine; is that right, sir?

Mr. JULIANA. That is right; yes, sir.

Mr. WELCH. For how long a period had you been under those continuous instructions?

Mr. JULIANA. I believe the first meeting was one night last week, and whether it was Tuesday or Wednesday I don't know. Then, again, when I told Mr. Cohn in the caucus room here that the picture had arrived.

Mr. WELCH. Yes, sir.

Mr. JULIANA. They're the only times I believe that I got any instructions concerning the picture.

Mr. WELCH. So that over a period of a week or more you were under what you have called continuous instruction to produce a picture of Secretary Stevens and Schine?

Mr. JULIANA. No, Mr. Welch, it was over a period of 2 or 3 days.

Mr. WELCH. Two or three days?

Mr. JULIANA. Yes, sir.

Mr. WELCH. And like a good hired man, in the end you produced, didn't you?

Mr. JULIANA. Yes, sir.

Mr. WELCH. Now, in answer to some questions—strike that out.

You were asked some questions by Senator McCarthy about the big picture which is exhibit 2.

Mr. JULIANA. Yes, sir.

Mr. WELCH. You do not wish to suggest to this committee or to the country that a man named Welch clipped exhibit 2, do you?

Mr. JULIANA. No, sir; I do not.

Mr. WELCH. You don't for a moment think it is possible that Welch clipped exhibit 2, do you?

Mr. JULIANA. It is possible.

Mr. WELCH. But you don't believe it for a moment?

Mr. JULIANA. No, sir.

Mr. WELCH. Thank you for that.

Mr. Juliana, isn't it the simple truth that no blowup of the original Schine picture was needed in the first instance?

Mr. JULIANA. I don't follow the question.

Mr. WELCH. Let me put it to you this way: We have been able to get along all right in the courtroom with the very thing that was brought down from New York, haven't we? Do you see it?

Mr. JULIANA. Well, I think I just assume that the only reason it was blown up was so that it would be exhibited easier.

Mr. WELCH. Easier?

Mr. JULIANA. Yes.

Mr. WELCH. Well, then, the only thing to do was to bring in the photostat of the original picture, with three people in the case, isn't that right?

Mr. JULIANA. I wasn't asked for it and I didn't deliver that.

Mr. WELCH. I think that is right. You were asked for something different from the thing that hung on Schine's wall.

Mr. JULIANA. I never knew what hung on Schine's wall.

Mr. WELCH. You did know what hung on Schine's wall when that was handed to you, sir.

Mr. JULIANA. I did not know what hung on Schine's wall.

Mr. WELCH. Did you think this came from a pixie? Where did you think this picture that I hold in my hand came from?

Mr. JULIANA. I had no idea.

Senator MUNDT. Senator McCarthy says he couldn't hear the question. It will be reread.

(Whereupon the question referred to was read by the reporter as above recorded.)

Senator McCARTHY. Will counsel for my benefit define—I think he might be an expert on that—what a pixie is?

Mr. WELCH. Yes. I should say, Mr. Senator, that a pixie is a close relative of a fairy.

Shall I proceed, sir? Have I enlightened you?

Senator McCARTHY. As I said, I think you may be an authority on what a pixie is.

Senator MUNDT. Counsel may proceed.

Mr. WELCH. Mr. Juliana, my question to you now is, When we come right down to this caucus room, we can do very well with exhibit 3 which I hold in my hand, can't we?

Mr. JULIANA. I think it would suffice, but I also think that even your blown-up picture is much larger and would be much nicer to handle and would be better for the television cameras and for the audience.

Mr. WELCH. Mr. Juliana, would you do me the courtesy of remembering that I, if I produced what I thought was the original picture, to be effective needed to produce it on the scale of exhibit 4, which I now hold in my hand—do you follow me, sir?

Mr. JULIANA. No, I do not, sir.

Mr. WELCH. Perhaps it is a little obscure.

Mr. JULIANA. I see.

Mr. WELCH. Another thing: You just told Senator Mundt that you had no malicious intent when you handed in what I shall now call the smaller picture; is that right?

Mr. JULIANA. That is correct, sir.

Mr. WELCH. Are you intensely sorry that you did it?

Mr. JULIANA. Due to the fact that——

Mr. WELCH. I don't care due to what fact.

Mr. JULIANA. Due to the fact that it has wasted so much time, I am sorry.

Mr. WELCH. Only that, sir?

Mr. JULIANA. Yes, sir.

Mr. WELCH. Your conscience, then, doesn't bother you to this moment; is that right?

Mr. JULIANA. I did nothing wrong, in my conscience, and it does not bother me.

Mr. WELCH. Don't you think a terrifically unfortunate situation was created when Mr. Stevens sat in this chair and was confronted with your doctored picture?

Mr. JULIANA. I respect the Secretary of the Army as I do any other Cabinet member of this country, and I wouldn't want to do anything to harm him.

Mr. WELCH. Thank you, sir.

Were you in this room when he was cross-examined by Mr. Jenkins in respect to that picture?

Mr. JULIANA. I believe I was part of the time. I believe I was.

Mr. WELCH. Did you hear the question asked him as to whether or not—I refer now to page 434 of the record, where Mr. Jenkins said to him:

I did not say "demand," but was your picture after David Schine was drafted ever taken with you alone at your suggestion, anywhere?

Were you in the room when that question was asked the Secretary of the Army as he sat by my side?

Mr. JULIANA. I cannot testify that I was in the room at that time. I may have been.

Mr. WELCH. Did you fail to catch that word "alone"?

Mr. JULIANA. I did fail to catch the word "alone."

Mr. WELCH. Now I turn to Mr. Cohn's testimony, and I observe that on page 633 he testified:

And, as a matter of fact, I did not even catch the word "alone" put in there by Mr. Jenkins.

It is unfortunate that neither of you two men who held the key to this puzzle heard that word "alone," isn't it?

Mr. JULIANA. If you so term it "unfortunate," it might be. I don't term it "unfortunate."

Mr. WELCH. You don't care?

Mr. JULIANA. I sure do care.

Mr. WELCH. Then it was unfortunate that the two men who held the key to this small fraud, as I claim it was, failed to hear that word "alone."

Mr. JULIANA. Do you claim I was involved in a fraud, Mr. Welch?

Mr. WELCH. I claim that there was at least a small fraud or else a terrible unfortunate mistake.

Mr. JULIANA. I resent the implication, and I have testified that I took the responsibility.

Mr. WELCH. All right.

Now as to the hearing of the word "alone," have you observed that Mr. Cohn is perhaps slightly hard of hearing as he is slightly near-sighted?

Senator McCARTHY. How long, Mr. Chairman——

Senator MUNDT. Have you a point of order?

Senator McCARTHY. Yes, it is a point of order.

How long must we put up with this circus? Is counsel trying to elicit information? Good. If he is looking for a laugh from the audience, talking about physical defects of my chief counsel, it is so indecent and so dishonest—I am not talking about any physical defect which Counsel Welch may have. I do not intend to. Let's get down to the issues, Mr. Welch.

Mr. Chairman, may I point out each minute we waste here is wasting a vast amount of manpower, very important manpower, I think; the manpower of eight Senators and the heads of our Military Establishment.

Senator MUNDT. The Chair will have to say that I doubt that that is a point of order. I would like to remind the people in the committee room and the audience that the chairman of the congressional committee does not have the authority that a judge has in court. All he can do is enforce the rules that the committee has. Those rules provide that counsel for each side may have 10 minutes in which to interrogate the witness, and as long as the questions are relevant and material, regardless of whether they are repetitious or not, the Chair does not feel he has the power to stop counsel or Senators from asking questions.

Senator McCARTHY. Mr. Chairman, may I ask a question just for information? I think the Chair may be completely correct that he is without power, but what do you do when the rule says you have 10 minutes to ask questions, if counsel uses the 10 minutes to clown and keep his own witness from the stand?

Senator MUNDT. The Chair simply has the power to tell the counsel that his time has expired. We have proceeded on the basis that these questions are to be asked by counsel and by Senators, and the Chair has no power over either Senators or counsel to tell them what questions they can and cannot ask, as long as they appear to be relevant or material.

You may proceed, Mr. Welch.

Mr. WELCH. Mr. Chairman, I am confident that Mr. Jenkins knows the difference between questioning and clowning, and if Mr. Jenkins observes me clowning, I wish him to discipline me, as he freely may and should.

Are my 10 minutes up? I observe by my clock it is.

Senator MUNDT. You have a minute left.

Mr. WELCH. Is your hearing good?

Mr. JULIANA. Excellent.

Mr. WELCH. Had you heard that word "alone" in Mr. Jenkins' questions would you have sprung to the defense of Secretary Stevens?

Mr. JULIANA. You are asking me a hypothetical question.

Mr. WELCH. Yes, I am, indeed.

Mr. JULIANA. I may have, yes, sir, if I had heard it.

Mr. WELCH. You would have been quick to spring to his defense?

Mr. JULIANA. Possibly.

Mr. WELCH. From which it follows that you know an injustice was done him, don't you?

Mr. JULIANA. No, I would not say that.

Mr. WELCH. Were you going to spring to his defense in case where no injustice was done him?

Mr. JULIANA. I didn't get that, Mr. Welch.

Mr. WELCH. Were you going to spring to his defense under circumstances where no injustice was being done him?

Mr. JULIANA. I still don't follow it. Maybe the reporter should read it?

Mr. WELCH. Maybe the committee does, too. My question is, first in two parts. If you had heard the word "alone," in Mr. Jenkins' question, you have, I think, said you would have been quick to spring to Secretary Stevens' defense, is that right?

Mr. JULIANA. I did not say that, sir. I said I may have.

Mr. WELCH. You would have liked to, wouldn't you, in fairness?

Mr. JULIANA. I may have.

Mr. WELCH. And if you were going to spring to his defense, it would have been because you thought a very unfortunate situation was created by what you did to that picture?

Mr. JULIANA. Possibly so.

Senator MUNDT. Your time has expired.

Senator McCarthy?

Senator McCARTHY. Mr. Chairman, I would normally have some questions to ask. But I have been waiting here patiently all day to get Secretary Stevens back on the stand, and so I shall forego any questioning at this time.

Senator MUNDT. The turn of the clock reverts to Mr. Jenkins and counsel.

Mr. JENKINS. I have no questions.

Senator MUNDT. The Chair has none.

Senator McClellan?

Senator McCLELLAN. For the present, I pass, Mr. Chairman.

Senator DIRKSEN. I have no questions.

Senator JACKSON. I have just one question.

Does Mr. Surine normally do the photostating for the committee or make the arrangements?

Mr. JULIANA. I don't think so. No, Senator.

Senator JACKSON. How did it happen that Mr. Surine was called upon to handle the photostating?

Mr. JULIANA. I thought that, Don, with his experience on the Hill, which is a lot longer than mine——

Senator JACKSON. What do you mean, experience?

Mr. JULIANA. He has been working in the building here a lot longer than I have. Could expedite——

Senator JACKSON. I mean on this photostating?

Mr. JULIANA. Could expedite the photostating as well as anyone on the staff.

Senator JACKSON. That was the reason why you turned it over to him——

Mr. JULIANA. Yes, sir.

Senator JACKSON (continuing). To have it photostated?

Mr. JULIANA. That is right.

Senator JACKSON. Just the mechanical act of taking it down and carrying out your instructions——

Mr. JULIANA. Yes, sir.

Senator JACKSON (continuing). Nothing else?

That is all.

Senator MUNDT. Senator Potter?

Senator POTTER. I have no further questions.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I have no questions.

Senator DWORSHAK. I have no questions.

Senator McCARTHY. Mr. Chairman——

Senator MUNDT. Mr. Welch comes first.

Mr. WELCH. Well, did you turn to Mr. Surine for assistance on the picture because you considered him peculiarly adept in dealing with pictures?

Mr. JULIANA. No, sir.

Mr. WELCH. One thing further only.

After the Army statement of events was published was some sort of a loyalty pledge circulated in your office?

Mr. JULIANA. I don't believe I have to answer that question.

Mr. JENKINS. I do not consider that germane to the particular point of inquiry unless, Mr. Welch, you can show that it does reflect on the inquiry related to these pictures.

And I must advise the committee that it is not a proper question.

Mr. WELCH. There is, between you and me, the familiar ground of credibility of the witness.

Mr. JENKINS. Credibility of a witness?

Mr. WELCH. Yes.

Mr. JENKINS. Is the question directed to the credibility of the witness?

Mr. WELCH. It is very simple, and——

Mr. JENKINS. Will you repeat the question, Mr. Welch?

Mr. WELCH. At about the time the——

Mr. JENKINS. I remember the question, Mr. Welch.

Is the question whether or not this witness circulated——

Mr. WELCH. Or signed.

Mr. JENKINS. Mr. Welch, I fail to see where that would reflect on the credibility of the witness, frankly.

Mr. WELCH. Could I ask, Mr. Jenkins, that you find out if there was such an oath, and allow me to see it sometime?

Mr. JENKINS. I will explore that question.

Mr. WELCH. Thank you, sir.

I think that is all from the Army.

Senator McCARTHY. I have one question.

Jim, Senator Jackson brought Don Surine's name into this, or someone did. Is it correct that the only function Don had was to follow your instructions and act as a messenger, and you told him——could the photographer move down a bit—that you told him to take the picture down and have an enlargement of the entire picture made and also have an enlargement of the portion of the picture which included only Secretary Stevens and Schine?

Mr. JULIANA. Yes, sir. And I might add that Don followed my instructions implicitly.

Senator McCARTHY. And Surine had nothing whatsoever to do with making any decision about what type of an enlargement there would be?

Mr. JULIANA. He did not, sir, to my knowledge.

Senator McCARTHY. In other words, he was merely a messenger boy for you, carrying the picture to the enlargement room and bringing it back to you?

Mr. JULIANA. I don't like to refer to him as a messenger. But actually that is what he did.

Senator McCARTHY. I know he is not a messenger. He is an excellent adviser. But in this particular incident——

Mr. JULIANA. Yes, sir; that is correct.

Senator McCARTHY. And he did not discuss with you in any shape or form, which picture should be submitted to Mr. Jenkins, and he didn't know which one you would submit to Mr. Jenkins?

Mr. JULIANA. He did not, sir. You are correct.

Senator McCARTHY. Thank you.

Senator MUNDT. Is there anything further?

Mr. JENKINS. Nothing further.

Senator MUNDT. Do any of the Senators at my left have any questions?

Senator McCLELLAN. I do not want to delay this but in view of the fact that some question has been asked about doctoring a large picture before you, I think it is exhibit No. 2, do you mean to imply that it has been doctored in any way?

Mr. JULIANA. No, I do not mean to imply that.

Senator McCLELLAN. It just occurred to me that that picture there may—and I do not know—represent the film in its entirety, and do you know whether it does or not?

Mr. JULIANA. I do not, Senator.

Senator McCLELLAN. Thank you.

Mr. JENKINS. May I state for your information, Senator McClellan, that while we are on the subject of these photographs, and I do hope that in the interest of expediting this matter we have about explored that subject, the original of the Stevens-Adams exhibit will be introduced this afternoon and presently. It will clarify any question about whether or not any alteration of it was made. I think that will certainly complete the exploration directed at these photographs.

Senator MUNDT. Do any of the Senators at my right have any further questions?

Any to my left?

Mr. Welch, do you have any questions?

Mr. WELCH. I have one single question.

At page 1254 of the record, which was your testimony this morning, would you read your answer that I point to?

Senator MUNDT. Read the question, too.

Mr. WELCH. The answer is complete.

Mr. JULIANA (reading):

My instructions were that I was to enlarge and give to Mr. Jenkins a photograph of Mr. Stevens and Private Schine.

Mr. WELCH. And those instructions came in part from Mr. Cohn?

Mr. JULIANA. Yes, sir.

Mr. WELCH. And you obeyed them?

Mr. JULIANA. Mr. Cohn——

Mr. WELCH. And you obeyed them?

Mr. JULIANA. Mr. Cohn and/or Mr. Jenkins.

Senator MUNDT. Let the witness finish.

Mr. WELCH. I said those instructions came in part from Mr. Cohn?

Senator MUNDT. You interrupted him halfway through his sentence and I was trying to get his full answer.

Mr. JULIANA. My instructions came from Mr. Cohn, and/or Mr. Jenkins.

Mr. WELCH. Would you listen to the question?

Mr. JULIANA. I hear your question.

Mr. WELCH. Your instructions came in part from Mr. Cohn?

Mr. JULIANA. You are right, yes, sir.

Mr. WELCH. And you obeyed them?

Mr. JULIANA. Yes, sir.

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I have no questions.

Senator MUNDT. Without objection, the Chair is ready to dismiss Mr. Juliana and I will ask associate counsel, Mr. Maner, to call the next witness. Mr. Maner will take over temporarily for Mr. Jenkins.

Mr. MANER. The next witness will be Mr. Don Surine.

Senator McCARTHY. Mr. Chairman, I would like to ask a question. We deviated from the ground rules in order to present the facts in regard to the photograph. I have sat here now for over a day listening to the facts being developed and I can see no reason to keep Mr. Stevens off the stand further.

There can be no question in anyone's mind about the picture, and it is very clear now that there was a picture on Dave Schine's wall which included Mr. Schine, Mr. Stevens, and some colonel standing by the side; but there was another picture with a fourth man's sleeve on it that Mr. Juliana gave Mr. Jenkins, and the picture of only Schine and Stevens; that Mr. Jenkins had no knowledge of a third man having been on it or a fourth man having been on it.

At this time, Mr. Chairman, I ask that we return to the usual order, and I call the Chair's attention to the rule No. 2 adopted, and this provides that once a witness is on the stand, first counsel have unlimited time to question him and then you alternate from side to side 10 minutes to start over until that witness' testimony has been completed.

As the Chair knows, I came back here from out in Arizona, where I was doctoring a virus infection in my throat and I spent a day with the committee. We agreed on these rules.

As the Chair knows, he called me the following day and read the rules to me and as the Chair knows I said that if it were firmly agreed that these ground rules would be followed, that I would temporarily step off the committee and appoint someone to take my place.

Senator DWORSHAK. I make a point of order that for the third time during this hearing, the Senator from Wisconsin has made an erroneous statement to the effect that he has appointed someone to take his place on this committee. Is that a correct or incorrect statement, Mr. Chairman?

Senator McCARTHY. Could I finish? Could I finish my statement, Mr. Chairman?

Senator MUNDT. I will answer Senator Dworshak and then return to you.

Senator McCARTHY. Could I make my statement without interruption?

Senator MUNDT. The Chair would like to answer the question, if he may.

As the Chair recalls, the manner in which Senator Dworshak became a member of this committee was in conformity with the procedure by which he will become permanently appointed. The difference being, in your case it was a temporary selection. You were nominated by the Senator from Wisconsin, and you were confirmed by the full committee, and became a member of the subcommittee in that way.

Senator McCARTHY. May I say, just so there is no——

Senator MUNDT. I might say, over your objection, over your negative vote.

Senator McCARTHY. May I say, so there is no misunderstanding on the part of Senator Dworshak, there was a question of whether I should appoint or nominate or call it what you may, Senator Dworshak or Senator Butler. Senator Butler was not feeling well that day. I now wish he had been feeling well. Because of the temporary disability of Senator Butler, and for that reason alone, I nominated Senator Dworshak.

Mr. Chairman, may I finish now?

Senator MUNDT. You may. You are stating a point of order, I believe.

Senator McCARTHY. Yes. I feel it is a very important point of order.

The Chair called me. The Chair either personally, or his secretary, I don't recall which, read to me the rules proposed. At that time I dictated to the Chair's secretary a wire asking the Chair to call a meeting of the full committee so that these rules might be adopted, so that the nomination of Senator Dworshak might be confirmed. As the Chair will well recall, even though neither one of us were monitoring that conversation, as the Chair will well recall, it was the strict, distinct understanding that I was stepping off the subcommittee only because I agreed fully with the ground rules, and if there were any change in the ground rules during the proceeding, that I would insist upon resuming my place upon the subcommittee.

The Chair knows that I happen to be chairman of the full committee, also. I am not asserting any rights as such. I am merely asserting the right which we agreed upon.

If the Chair insists upon allowing Mr. Stevens more time, unless Mr. Stevens says he needs the rest, to call some man who is a messenger only, according to the testimony, to call other individuals who can add nothing to this picture, I will, Mr. Chairman, do everything I can to resume my position on the subcommittee from which I retired with the understanding that these ground rules would be followed.

Mr. JENKINS. Mr. Chairman, may I make a statement?

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. Senator McCarthy, we have reached a decision with reference to Mr. Surine, and it will obviate the necessity of any further discussion about it, I am sure.

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. I would like to be heard to this extent: I do not agree with Senator McCarthy with respect to his interpretation of the rules adopted. I am just about as anxious as he is to get on with this hearing and to get the Secretary back on the stand. If

Mr. Jenkins, or there are those who think Mr. Surine is a witness who should be heard in this controversy, and with the assurance of the Chair and Mr. Jenkins that he will later be called, without conceding the rules require this committee to do so, I would then move that we proceed to recall the Secretary of the Army.

Mr. JENKINS. Mr. Chairman, I now give that assurance, but we do have another witness who is a short witness that we desire to put on before the Secretary of the Army is recalled.

Senator MUNDT. Counsel has advised the Chair that the actual negative is in the room, and the man who took it. I think he has been subpoenaed to appear.

Mr. JENKINS. We desire to call Mr. Manchester as the next witness.

Senator SYMINGTON. A point of order, Mr. Chairman.

Senator MUNDT. Senator Symington has a point of order.

Senator SYMINGTON. Mr. Chairman, am I to understand from the counsel and from you, sir, that before these hearings are over, Mr. Surine is to be called before this committee in these hearings?

Senator MUNDT. Yes, sir; you have that assurance.

Senator SYMINGTON. I thank you.

Senator McCARTHY. I have one question. How long——

Senator MUNDT. The Chair overrules the Senator's previous point of order. He may make another.

Senator McCARTHY. How long will this witness take?

Mr. JENKINS. Five minutes, Senator. No more.

Call Sergeant Manchester.

Senator MUNDT. Sergeant Manchester is the next witness.

Mr. JENKINS. Call Mr. Manchester, please.

Senator MUNDT. Is Mr. Manchester in the room?

Mr. JENKINS. Sergeant Manchester.

Senator McCARTHY. While the sergeant is being forwarded, Mr. Chairman, may I say I would like to have the Chair, if he will, call an executive session of this committee at such time as will not interfere with the public sessions. I would like to discuss matters having to do with the contacts between certain members of this committee and witnesses and the motives involved in some cases. I think that should be done in executive session at the very earliest possible moment, Mr. Chairman.

Senator MUNDT. Are you Sergeant Manchester?

Sergeant MANCHESTER. I am, sir.

Senator MUNDT. Will you stand and be sworn, please?

Do you solemnly swear the testimony you are to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Sergeant MANCHESTER. I do, sir.

TESTIMONY OF S. SGT. HERBERT RICHARD MANCHESTER

Mr. JENKINS. Sergeant Manchester, give your full name.

Sergeant MANCHESTER. Herbert Richard Manchester, sir.

Mr. JENKINS. What is your rank with the Army?

Sergeant MANCHESTER. I am staff sergeant in the Army.

Mr. JENKINS. Where are you stationed?

Sergeant MANCHESTER. I am not in the Army, sir; I am in the Air Force.

Mr. JENKINS. Where were you on November 17, 1953, when certain photographs were made?

Sergeant MANCHESTER. I was at McGuire Air Force Base.

Mr. JENKINS. McGuire Air Station?

Sergeant MANCHESTER. McGuire Air Force Base.

Mr. JENKINS. Did you direct the making of certain photographs on that occasion?

Sergeant MANCHESTER. I did, sir.

Mr. JENKINS. I hand you, Sergeant, a photograph, and I will identify it as being a photograph of the Secretary of the Army, Mr. Stevens; Mr. Schine; Colonel Bradley; and a fourth man whom I do not know. I will ask you to examine that photograph and state whether or not you directed the taking of it on November 17.

Senator MUNDT. Without objection the photograph will be entered as exhibit No. 6 in the series of photographs. The Chair hears none. It is so ordered.

(The photograph referred to was marked as "Exhibit No. 6" and will be found in the files of the subcommittee.)

Senator MUNDT. You may proceed further.

Sergeant MANCHESTER. Yes, sir; this is the photograph that was taken that evening.

Mr. JENKINS. Can you identify the fourth man?

Sergeant MANCHESTER. Yes, I can, sir.

Mr. JENKINS. Who is he?

Sergeant MANCHESTER. He is Mr. Carr.

Mr. JENKINS. Mr. Carr?

Sergeant MANCHESTER. Yes, sir.

Mr. JENKINS. Now I will ask you to examine a photograph introduced by the Army, being the large one, exhibit No. 2, and state whether or not that in your opinion is the same photograph, the one you are now examining, and introduced by Mr. Stevens and Mr. Adams as the first photograph I handed you containing a picture of four men, with a deletion or omission of the fourth man.

Sergeant MANCHESTER. Could you let me have that just once more, sir?

Mr. JENKINS. State whether or not the photograph you now look at, introduced by Mr. Stevens and Mr. Adams and showing 3 men and the sleeve of a fourth man, is in your opinion the same photograph as the one I first handed you, showing a photograph of 4 men, the fourth man being Mr. Carr.

Sergeant MANCHESTER. It looks the same, sir.

Mr. JENKINS. Is it or not in your opinion the same?

Sergeant MANCHESTER. In my opinion it is, sir.

Mr. JENKINS. Did you direct the taking of that photograph?

Sergeant MANCHESTER. I did, sir.

Mr. JENKINS. Who was the photographer?

Sergeant MANCHESTER. Staff Sergeant Lang, sir.

Mr. JENKINS. Do you know where he is?

Sergeant MANCHESTER. In Japan right now, sir.

Mr. JENKINS. That was my understanding. Do you know whether or not he has been directed to return at my request?

Sergeant MANCHESTER. I do not know, sir.

Mr. JENKINS. You do not know?

Sergeant MANCHESTER. No, sir.

Senator MUNDT. A point of order. Temporarily to be sure we have the record straight, for the reporter, what is the number of that large photograph? We have No. 3 and No. 2, the big blown-up one.

Sergeant MANCHESTER. That is No. 2, sir.

Senator MUNDT. No. 2 instead of No. 3?

Sergeant MANCHESTER. Yes, sir.

Senator MUNDT. Mrs. Watt advises me that the one entered in evidence should be No. 2 instead of No. 4. That is so that we can have the record straight.

Mr. JENKINS. Being the first one I presented to the witness.

Senator MUNDT. Yes.

Mr. JENKINS. Sergeant, do you know who—if they are the same photograph, made from the same print—deleted or cut out the fourth man?

Sergeant MANCHESTER. Yes, sir.

Mr. JENKINS. Who did that?

Sergeant MANCHESTER. I did, sir.

Mr. JENKINS. You did that?

Sergeant MANCHESTER. Yes, sir.

Mr. JENKINS. Why did you do that?

Sergeant MANCHESTER. Well, the main reason, sir, was so that the photograph that I did have made would be centered on the three individuals who in my mind were the main characters of the picture.

Mr. JENKINS. You did not consider Mr. Carr a main character of the picture, is that right?

Sergeant MANCHESTER. No, it is not that, sir.

Mr. JENKINS. Sergeant, did anyone direct you to do that?

Sergeant MANCHESTER. No, sir.

Mr. JENKINS. You did it entirely on your own initiative?

Sergeant MANCHESTER. I did, sir.

Mr. JENKINS. To whom did you deliver that photograph?

Sergeant MANCHESTER. I did not deliver it to anybody, sir; I sent one photograph to Private Schine.

Mr. JENKINS. At his request?

Sergeant MANCHESTER. At his request, sir.

Mr. JENKINS. Is that the photograph I am now handing you? And I am asking you to please pass it to him. Being exhibit No. 3, being the same as exhibit No. 3, is that the one you sent to Private Schine?

Sergeant MANCHESTER. This is not the exact one, it is a copy of the one.

Mr. JENKINS. I mean a copy.

Sergeant MANCHESTER. Yes, sir.

Mr. JENKINS. It is?

Sergeant MANCHESTER. Yes, sir, it is a copy.

Mr. JENKINS. To whom did you send a copy of exhibit No. 6, being the first photograph I handed you when you took the witness stand?

Sergeant MANCHESTER. I did not send this to anybody, sir.

Mr. JENKINS. Well, then, how—Do you know how Mr. Stevens and Mr. Adams came in possession of it and introduced it in evidence?

Sergeant MANCHESTER. Of this photo here, as No. 2?

Mr. JENKINS. Yes.

Sergeant MANCHESTER. I did not say how they came into possession of it, sir, and I do not know.

Mr. JENKINS. My question is, Do you know how they came into possession of the photograph filed as an exhibit, showing three men and the sleeve of, it now develops, Mr. Carr?

Sergeant MANCHESTER. Oh, no, sir.

Mr. JENKINS. You do not?

Sergeant MANCHESTER. No, sir.

Mr. JENKINS. And on your own initiative, you cut out the fourth man, regarding him as unimportant?

Sergeant MANCHESTER. It was not that I regarded him as unimportant, it is just that he was in an unfavorable position in the photo.

Mr. JENKINS. Sergeant, I hand you the negatives. How many photographs were taken there that day?

Sergeant MANCHESTER. There were eight photographs taken that day.

Mr. JENKINS. All at your direction?

Sergeant MANCHESTER. All at my direction.

Mr. JENKINS. I think perhaps you had better file the negatives of those photographs out of an abundance of precaution, if these are the negatives, and I will ask you to examine them and state whether or not they are. If so, file them.

(The negatives referred to above were marked as "Exhibit No. 7" and will be found in the files of the subcommittee.)

That is my examination-in-chief, and I now pass the witness.

(The witness examined the negatives.)

Senator MUNDT. Sergeant, do you find eight negatives there?

Sergeant MANCHESTER. No, sir, there are only three negatives.

Senator MUNDT. Three negatives?

Sergeant MANCHESTER. Yes, sir.

Senator MUNDT. Where are the other five?

Sergeant MANCHESTER. The other five, they were supposed to have been destroyed; and according to our base photo lab, they were destroyed.

Senator MUNDT. At whose order were they destroyed?

Sergeant MANCHESTER. I imagine they were destroyed at the order of Warrant Officer Moe who was in charge of the base photo lab at McGuire Air Force Base.

Senator MUNDT. Why were they destroyed?

Sergeant MANCHESTER. Due to the fact that they were too thin for printing, sir, and they were underexposed or something, some defect in the negative, and therefore they were not of any value to us.

Senator MUNDT. When were they destroyed?

Sergeant MANCHESTER. In all probability they were destroyed November 18, sir. I could not state.

Senator MUNDT. To the best of your knowledge, they were destroyed the day after the picture was taken?

Sergeant MANCHESTER. To the best of my knowledge, yes, sir.

Senator MUNDT. Did you do the blowup of the picture which is now known as exhibit No. 2, personally?

Sergeant MANCHESTER. No, sir.

Senator MUNDT. Was it done at your order?

Sergeant MANCHESTER. No, sir.

Senator MUNDT. Do you know who did it?

Sergeant MANCHESTER. I do not, sir.

Senator MUNDT. Or from which negative?

Sergeant MANCHESTER. No, sir; I do not know.

Senator MUNDT. You know nothing about the big photograph known as exhibit No. 2, introduced by Mr. Welch?

Sergeant MANCHESTER. I do not, sir.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. I have no questions.

Senator MUNDT. Senator Dirksen.

Senator DIRKSEN. I have no questions.

Senator POTTER. I have no questions.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I have no questions.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. I have no questions.

Senator MUNDT. Mr. Welch?

Mr. WELCH. I have no questions.

Senator MCCARTHY. Mr. Cohn.

Mr. COHN. I have just one question.

Sergeant, there was something, you say there were eight pictures taken on that day?

Sergeant MANCHESTER. Yes, sir; there was.

Mr. COHN. Do you have negatives or positives of all eight of those pictures?

Sergeant MANCHESTER. No, we don't, sir.

Mr. COHN. Is there any record of who was in each of those eight pictures?

Sergeant MANCHESTER. No, sir.

Mr. COHN. Of how many pictures do you have a record?

Sergeant MANCHESTER. Three, sir.

Mr. COHN. Do we have positives of those three pictures here?

Sergeant MANCHESTER. No; we have the negatives of them, yes, sir.

Mr. COHN. But no positives have been made?

Sergeant MANCHESTER. I wouldn't know, sir. Yes.

Mr. COHN. I just can't hear you, Sergeant.

Sergeant MANCHESTER. Yes, there have been some made.

Mr. COHN. Have they been supplied to Mr. Jenkins?

Sergeant MANCHESTER. They have, sir.

Mr. COHN. I was just wondering if we could take a little look at those, Ray. Now, do you know of whom those five pictures, the negatives of which have been destroyed, were taken?

Sergeant MANCHESTER. No; I couldn't say, sir.

Mr. COHN. You cannot say?

Sergeant MANCHESTER. No, sir.

Mr. COHN. Can you tell us whether or not any of those five pictures were of Secretary Stevens and Private Schine alone?

Sergeant MANCHESTER. No, sir.

Mr. COHN. You cannot tell us?

Sergeant MANCHESTER. I cannot say, sir. I will say that it is my recollection we only took one picture of that type of Secretary Stevens and Private Schine, sir.

Mr. COHN. And Colonel Bradley was in that picture and Mr. Carr?

Sergeant MANCHESTER. Yes, sir.

Mr. COHN. And you cut Mr. Carr out of the picture?

Sergeant MANCHESTER. Yes, I did.

Mr. COHN. Has Mr. Welch accused you of having doctored the picture?

Sergeant MANCHESTER. He hasn't, no.

Mr. COHN. He hasn't made that accusation against you?

Sergeant MANCHESTER. No.

Mr. COHN. There was certainly nothing deliberate, and when you sent Private Schine the picture as an official photograph, there was no evil intent or no design on your part in having cut Mr. Carr out of the picture first; was there?

Sergeant MANCHESTER. No, sir.

Mr. COHN. I believe you say you wanted to center it on the people you regarded as the three central figures, Secretary Stevens, Private Schine, and Colonel Bradley; is that correct?

Sergeant MANCHESTER. Yes, sir.

Mr. COHN. I see. And you say you did not make the blowup of this picture?

Sergeant MANCHESTER. I did not.

Mr. COHN. And I assume you don't know who cut Mr. Carr off the blowup?

Sergeant MANCHESTER. I do not, sir.

Mr. COHN. You don't know who did that?

Sergeant MANCHESTER. No, sir.

Mr. COHN. Have you heard from Mr. Welch who might have cut Mr. Carr off that picture before Mr. Welch presented it to the committee?

Sergeant MANCHESTER. I have not, sir.

Mr. COHN. I have no further questions.

Senator MUNDT. Has anybody else at the table any questions you want to ask?

Mr. Welch? Senator McCarthy?

No questions. You are dismissed, Sergeant. Thank you, sir.

Mr. JENKINS. Mr. Chairman, I desire to compliment the committee, partisan interests and counsel, on the speed with which this witness was disposed of, and trust that we will follow the same rules with respect to the succeeding witnesses; and I now desire to call back the Secretary of the Army, Mr. Stevens, and state that I have no further questions to ask him. He is now your witness.

Mr. WELCH. Mr. Chairman, I find on the table what I take to be the films that the last witness testified to.

Senator MUNDT. Mrs. Watt is on her way there to pick up the exhibits, sir.

TESTIMONY OF HON. ROBERT T. STEVENS, SECRETARY OF THE ARMY—Resumed

Senator MUNDT. The Chair has no further questions of Mr. Stevens at this time, and will pass to Senator McClellan.

Senator McCLELLAN. Mr. Chairman, I do not want to ask any questions of the Secretary other than to inquire if he has had time yet to compile the data that I requested regarding the number of man-hours that have been involved in this controversy.

Secretary STEVENS. Not yet, Senator McClellan.

Senator McCLELLAN. No further questions.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. No questions, Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator JACKSON. No questions.

Senator MUNDT. Senator Potter?

Senator POTTER. I have no questions.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. No questions, Mr. Chairman.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. No questions.

Senator MUNDT. Mr. Welch?

Mr. WELCH. No questions.

Senator MUNDT. Senator McCarthy, you or Mr. Cohn or Mr. Carr.

Senator McCARTHY. I have a number of questions, Mr. Chairman.

Mr. Stevens, you may recall that you and I had lunch together at the Pentagon some time ago.

Secretary STEVENS. That is right.

Senator McCARTHY. I was there at your invitation, right?

Secretary STEVENS. That is right.

Senator McCARTHY. I believe you covered this before, but let's see if I am correct in this: The group present increased after the luncheon; is that right?

Secretary STEVENS. That is right.

Senator McCARTHY. Who had luncheon, No. 1, with you?

Secretary STEVENS. You did, Frank Carr, Roy Cohn, John Adams, and I.

Senator McCARTHY. After lunch was over, we were joined by three other people; is that correct?

Secretary STEVENS. That is right.

Senator McCARTHY. Who were they, Bob?

Secretary STEVENS. General Ridgway, Chief of Staff, General Trudeau, G-2, Intelligence, of the Army, Assistant Chief of Staff, and General Mudgett, Chief of Information.

Senator McCARTHY. About how long did we talk before Ridgway and the other two men came in?

Secretary STEVENS. I think we probably had lunch about 12:30 and visited until close to 2 o'clock. I think the three generals came in about then.

Senator McCARTHY. A completely friendly meeting, as you recall?

Secretary STEVENS. A completely friendly meeting.

Senator McCARTHY. We spent practically all the time, did we not, discussing the investigation of Communist infiltration into military installations, not only those strictly military but also defense plants; isn't that correct?

Secretary STEVENS. Also what? What was that final phrase?

Senator McCARTHY. Not only strictly military installations, but also defense plants?

Secretary STEVENS. That is right.

Senator McCARTHY. At that time, you were rather unhappy, were you not, Bob, about the fact that these investigations were being conducted, and you said that you thought we should stop the "investigation" or "suspend," whatever word you want to use, and let you take over?

Secretary STEVENS. No, sir, that is not correct. I was disturbed by the type of hearing which was being held, not by the investigation.

Senator McCARTHY. Did you object to the type of hearing?

Secretary STEVENS. That is right.

Senator McCARTHY. What about the hearing did you not like?

Secretary STEVENS. I didn't like the type of publicity that was emanating from the executive hearings which you were holding with regard to Fort Monmouth.

Senator McCARTHY. Did I explain to you at that time that as long as we had the doors open for anyone whom you cared to send to the hearings, in view of the stories, the alleged leaks, if you can use that word, that were being run by certain papers in regard to what occurred at various meetings, that I felt that I had no choice but to talk to the press after each meeting which was attended by any of your personnel, do this in the presence of Mr. Adams, give them a résumé of what occurred, without giving them the names of the witnesses; and that if I did not accurately state the facts, Mr. Adams had a right to correct me.

The reason for this was to try to keep the record straight; otherwise, we would have a few favored individuals—I think I mentioned the names of the Alsops and the Pearsons, et al., who would get the story from Pentagon leaks. That was explained to you; was it not?

Secretary STEVENS. I don't recall it at all, Senator.

Senator McCARTHY. Did you object at that time to my briefing the press after the executive session?

Secretary STEVENS. No, I didn't object to your briefing the press, Senator. The thing that I did object to was the way you briefed them.

Senator McCARTHY. The way what?

Secretary STEVENS. The way you briefed them.

Senator McCARTHY. Did you object to that?

Secretary STEVENS. Yes, sir.

Senator McCARTHY. Are you sure? This was at the Pentagon meeting?

Secretary STEVENS. I repeated, I said many times I didn't want to have the Army hammered over the head, Senator.

Senator McCARTHY. You stated that a number of times. I am trying now, if I can, Bob, to tie you down to this meeting at the Pentagon, a very important one, I think. You had a purpose, of course, for calling us over there. I want to know now whether at that time you objected to the fact that I briefed the press, or did you tell me that I didn't give the press an accurate story? Did you tell them I gave them an untrue story? Just try to tell us what you objected to.

Secretary STEVENS. I objected to the hammering over the head of the Army and the unfair publicity that was going on in regard to these hearings.

Senator McCARTHY. You talk about "hammering over the head." It sounds rather rough.

Secretary STEVENS. I think that—

Senator McCARTHY. Who up to that point had been hammered over the head?

Secretary STEVENS. I think the New York Times editorial this morning gives a pretty good picture of what I am trying to talk about here.

Senator McCARTHY. Why don't you testify, and not the New York Times?

Secretary STEVENS. All right.

Senator McCARTHY. Who had been hammered over the head up until the date we met at the Pentagon?

Secretary STEVENS. The Army.

Senator McCARTHY. You mean a few Communists in the Army, don't you, Bob?

Secretary STEVENS. No. I mean that the net impact, as I have evaluated it, on the public and on the Army was that there was current espionage in a substantial way at Fort Monmouth, when that was not in accordance with the facts as far as I then knew.

Senator McCARTHY. General Lawton suspended some 33 individuals, all because they had either a background of communism or close association with Communists. Does that, in your opinion, set the stage for possible espionage?

Secretary STEVENS. I don't have the detail of the charges. As I have said before, Senator McCarthy, to the extent we can under Presidential directives, we will produce detailed information.

Senator McCARTHY. You say there was no espionage at Fort Monmouth? When you suspend 33 people because of their Communist backgrounds or Communist connections, you are suspending them for fear that they may give away this secret information. If you felt they would not do that, there would be no reason to suspend them.

Secretary STEVENS. I don't agree that they were Communists or Communist background. I would have to check each one of these cases before I could possibly subscribe to that statement.

Senator McCARTHY. You mean up to this point you have not checked any of the cases?

Secretary STEVENS. I know in general, but I don't know in detail. We were looking for security risks. There are a lot of things besides the things you are talking about that can constitute a security risk.

Senator McCARTHY. All right. When you talk about a security risk, you are talking about a man who might give away the Nation's secrets?

Secretary STEVENS. Possibly wholly unintentionally by being too talkative, or something of that kind.

Senator McCARTHY. But in any event when you talked about a security risk, or a loyalty risk, you are talking about a man who may either purposely or inadvertently give away the Nation's secrets?

Secretary STEVENS. We are talking about somebody that you want to be darn sure it is safe to have on sensitive work.

Senator McCARTHY. Well all right.

Now, what is espionage, in your vocabulary?

Secretary STEVENS. Spying.

Senator McCARTHY. Well, now if a man gives away a secret that would be a violation of the Espionage Act, would it not?

Secretary STEVENS. You would know about that; I assume that would be correct.

Senator McCARTHY. Well, Robert, you are the Secretary of the Army?

Secretary STEVENS. That is right.

Senator McCARTHY. Well, now, if a man, or if an employee of the Army gave an unauthorized person secret, top secret, or confidential material, that would be a violation of the Espionage Act?

Secretary STEVENS. You are familiar with that; I assume that it would be Senator, and it certainly sounds so.

Senator McCARTHY. Don't you know?

Secretary STEVENS. I would like to ask counsel about that.

Senator McCARTHY. You may.

Mr. WELCH. I would rather ask Mr. Jenkins and let him tell us.

Senator MUNDT. Mr. Jenkins has been unsworn so he can't testify, but you may advise your witness if you care to.

Mr. JENKINS. I recall distinctly having asked the Secretary the very same question as to what espionage is. But the Senator has a right to pursue it further if he so desires.

Senator McCARTHY. Don't you know what espionage is? I ask you, Bob, because you made the statement several times here that there was no espionage at Fort Monmouth. I am trying to find out if you know what it is.

Secretary STEVENS. I had made the statement there was no espionage as of the time of that luncheon that I knew about.

Senator McCARTHY. Well since that time, there have been suspended a number of individuals because of Communist backgrounds or connections; is that not right?

Secretary STEVENS. I wouldn't say; I can't agree on the last, without looking them up, Senator; there were suspensions, most of which, as you know, took place in the month of October and some in November.

Senator McCARTHY. What is the date of the meeting, do you remember?

Secretary STEVENS. Yes, November 6.

Senator McCARTHY. Do you recall at that time, Mr. Secretary, that when we were discussing this matter, that I told you that even though I personally liked you, that I couldn't possibly call off a hearing, and if I did I would be guilty of the same type of activities, which I condemned and campaigned against, on the part of some of the members of the opposite political party? Do you remember that?

Secretary STEVENS. I don't remember that exact language. But I remember some general thought along that line, I think, Senator.

Senator McCARTHY. I told you, didn't I, Mr. Secretary, that I could not call off the investigation because I thought it would be improper on my part to do it?

Secretary STEVENS. I didn't want you to call off the investigation.

Senator McCARTHY. Did I tell you that, Bob?

Secretary STEVENS. I don't recall that.

Senator McCARTHY. Well, substantially, did I tell you that?

Secretary STEVENS. I remember some general talk along that line, yes, Senator.

Senator MUNDT. The Senator's time has expired.

Now, Mr. Counsel?

Mr. JENKINS. No further questions.

Senator MUNDT. Mr. Secretary, I would like to ask you 2 or 3 questions about an event related somewhat to this general area, but limited to 1 particular report that has come to the attention of the chairman over the course of the past 48 hours.

It deals with the compilation and publication of what I think now may have been called, too optimistically, as a memo of understanding. You will recall, I am sure, that event?

Secretary STEVENS. Yes, sir.

Senator MUNDT. The report has come to me that it has been stated, and I am sure not by you, but I want the record to be clear, it has been stated that Senator Potter and Senator Dirksen and Senator Mundt were guilty of some type of entrapment in inviting you to attend what has become now by newspaper language to be called a chicken luncheon in Senator Dirksen's office.

And I would like to ask you a few questions about that.

Secretary STEVENS. Yes, sir.

Senator MUNDT. Do you recall that I telephoned you one day from my office about the possibility of having that luncheon?

Secretary STEVENS. Yes, sir. I don't know where you were, but I know you called me.

Senator MUNDT. Do you recall that, in general, the tenor of my conversation with you over the telephone was to the effect that since a public hearing had been established, and since it had been decided to have you appear as a public witness, and since the previous conversations which I have had with you I felt that some of the purposes for the public hearing had been misunderstood by the press, and that I thought it might serve the public interest if you, Senator Potter, Senator Dirksen, and I, together with Senator McCarthy might meet for lunch and see how wide were the areas of disagreement and whether they could be dissolved?

Secretary STEVENS. Yes; I don't know that I recall all of what you have said, Mr. Chairman, but substantially that was the idea.

Senator MUNDT. The particular point in question, I think, you will recall, that I mentioned to you specifically, that we would have Senator McCarthy at that luncheon.

Secretary STEVENS. Yes, sir.

Senator MUNDT. I simply wanted the record to be clear, because it had been reported to me that somebody had said, in your behalf, and I was confident it was not you, that you did not know that Senator McCarthy was going to be at that luncheon, and I am sure I advised you of that over the telephone, and I am sure that I advised you of the fact when you came to my office, and we walked over to the place of the luncheon together; isn't that correct?

Secretary STEVENS. That is correct.

Senator MUNDT. Thank you. That was all.

Senator McClellan?

Senator McCLELLAN. What was the date of that luncheon?

Secretary STEVENS. The 24th of February.

Senator McCLELLAN. The 24th of February?

Secretary STEVENS. Yes, sir.

Senator McCLELLAN. That was a partisan luncheon, was it; the Democrats were not invited?

Secretary STEVENS. They were not present.

Senator McCLELLAN. You don't blame them for what occurred?

Secretary STEVENS. No, sir.

Senator McCLELLAN. Thank you.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. I have no questions.

Senator MUNDT. Senator Jackson?

Senator JACKSON. I have no questions.

Senator MUNDT. Senator Potter?

Senator POTTER. I have no questions.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I have no questions.

Senator MUNDT. Senator Dworshak.

Senator DWORSHAK. I have no questions.

Senator MUNDT. Mr. Welch?

Mr. WELCH. I have no questions.

Senator MUNDT. Senator McCarthy, or Mr. Cohn or Mr. Carr?

Mr. COHN. Mr. Stevens, to get back to something we were talking about yesterday, did you on November 24 send John Adams to New York to talk to me and to Senator McCarthy, and ask whether or not Senator McCarthy would agree not to make a public issue if you relieved General Lawton of his command at Fort Monmouth?

Secretary STEVENS. November 24, wasn't that the date that your public hearing started on Fort Monmouth?

Mr. COHN. That is the exact date, sir.

Secretary STEVENS. I know; I think that I know John Adams can testify to it, but I think he went up there for that hearing and that was my recollection.

Mr. COHN. And sir, maybe you didn't understand me, my question to you was, if I may: Did Mr. Adams come to New York carrying a message from you to Senator McCarthy, asking an assurance from Senator McCarthy that he would not make a public issue and charge reprisal for cooperation if you were to relieve General Lawton of his command at Fort Monmouth on that day or the next day?

Secretary STEVENS. As I have testified frequently, on this witness chair, Mr. Cohn, I had under consideration the question of the commanding general at Fort Monmouth, and I again say I dislike very much to go into the personal situation of a fine professional soldier.

I had been concerned about some statements that were reported to me, and I also, as I testified yesterday morning, had wanted to be sure that all of our commanding officers, including General Lawton, used the maximum possible judgment with respect to any suspensions they made to the end that we would not work an injustice on an innocent person.

Mr. COHN. Mr. Chairman, Mr. Jenkins, maybe you can give me a little help here. I was trying to ask the Secretary whether he sent Mr. Adams to New York with a message, asking a promise of silence by Senator McCarthy.

Mr. JENKINS. May I make a suggestion to you, sir, that if you will give Mr. Cohn a direct answer, and I must say that you did not answer his question.

Secretary STEVENS. I am sorry.

Mr. JENKINS. I am sure you will be taken off the witness stand much sooner than you otherwise would.

Secretary STEVENS. I am sorry, sir. I gave you the background of the situation because I wanted people to understand why it was that we wanted Senator McCarthy to know that this matter was under consideration, of whether or not there might be a change at Fort Monmouth. I was working very closely with Senator McCarthy and the committee, cooperating all down the line, and I thought a thing as important as that he ought to know.

Mr. JENKINS. May I suggest that the reporter read the question, to the Secretary, and that you request the Secretary to answer the question directly.

Senator MUNDT. The reporter will read the question to which it appears there has not been an answer.

(Whereupon, the question referred to was read by the reporter as above recorded.)

Secretary STEVENS. No; I did not send Adams to New York for that purpose.

Senator MUNDT. I do not believe the Secretary had finished his answer, had you?

Secretary STEVENS. No, sir.

Senator MUNDT. You may continue.

Secretary STEVENS. I was going to say my recollection is that I telephoned Mr. Adams in New York and asked him to advise Senator McCarthy that I had this matter under consideration.

Is that a responsive answer, Mr. Jenkins?

Mr. JENKINS. A partial response, but not entirely.

Secretary STEVENS. I am really trying to do it the way it should be done.

Mr. JENKINS. Then the further question was whether or not you directed Mr. Adams to ask Senator McCarthy whether or not he, Senator McCarthy, would take reprisals against you if you relieved Lawton of his command at Fort Monmouth.

Secretary STEVENS. No, sir. I wanted to inform Senator McCarthy of what I was giving consideration to.

Senator MUNDT. Mr. Cohn?

Mr. COHN. Mr. Secretary, what I was trying to get was this: Did you ask Mr. Adams to go to Senator McCarthy and get for you an assurance from Senator McCarthy that Senator McCarthy would not make a public issue of the relieving of General Lawton of his command?

Secretary STEVENS. I asked him to inform Senator McCarthy of the fact that I had this matter under consideration.

Mr. JENKINS. I must hold that is not a direct answer. You can answer that, Mr. Secretary, "Yes" or "No" and then make such explanation as you see fit; whether or not Senator McCarthy would make a public issue of your relieving General Lawton of his command by reason of General Lawton's having cooperated with the committee. Did you want to know whether or not Senator McCarthy would make a public issue of that if you relieved General Lawton from Fort Monmouth?

Secretary STEVENS. I wanted Senator McCarthy to have the information. I wanted John Adams to find out how he felt about it.

Mr. JENKINS. I must hold that is not a direct answer. The question is, Did you want assurances from Senator McCarthy that he would not make a public issue of it if you relieved General Lawton of his command?

Secretary STEVENS. I have no recollection of that at all, sir.

Mr. COHN. Maybe, Mr. Secretary—

Senator MUNDT. Mr. Cohn.

Mr. COHN. Thank you, sir.

Possibly I can refresh your recollection. Did Mr. Adams call you at approximately 2 p. m., on the afternoon of November 25 from a

room adjoining the hearing room at the United States courthouse in the presence of Senator McCarthy to tell you that he had bad news for you in that Senator McCarthy would not agree to silence if you relieved General Lawton of his command at Fort Monmouth?

Secretary STEVENS. I do not remember that exactly. I can look it up and see. I know that I called Mr. Cohn—I called Mr. Adams up there once myself and he called me back.

Mr. COHN. I am sorry.

Secretary STEVENS. He called me back and said, as I recall it, that he had informed Senator McCarthy, who was distressed about it, because he felt that General Lawton was cooperating fully with the committee, and he therefore would like to have General Lawton continue on.

Mr. COHN. Is one of the things concerning which you demanded a written explanation of General Lawton on November 25 praise by him of Senator McCarthy?

Secretary STEVENS. No, sir.

Mr. COHN. Maybe I can rephrase that, Mr. Secretary.

Did General Lawton submit to you through General Back a memorandum purporting to give his explanation of various matters which he had said which you thought he should not have said?

Secretary STEVENS. He prepared a memorandum at my request outlining the substance of some statements he had made at Fort Monmouth, the substance of which I was interested in knowing about.

Mr. COHN. Prior to asking for that memorandum, you had indicated to General Back that you were thoroughly displeased with General Lawton and his judgment and the statements he had made, had you not?

Secretary STEVENS. No, I did not say I was thoroughly displeased. I simply alerted General Back to the fact that I was giving the matter some thought and I would like him to do likewise.

Mr. COHN. Mr. Secretary, does not paragraph 9 of the memorandum that General Lawton was required to submit contain an explanation by him as to a compliment which he had paid to Senator McCarthy?

Secretary STEVENS. I think there is something in there about it. I do not remember the paragraph number.

Mr. COHN. My next question is this: Did you not refuse to see General Lawton when he was in your waiting room on the afternoon—

Secretary STEVENS. I did not see him, but I do not refuse to see people if I can possibly work them in. But I have a pretty heavy schedule over there and cannot see everybody that would like to see me.

Mr. COHN. Maybe I did not make myself clear, Mr. Stevens. On the afternoon of November 25, did General Back bring General Lawton to your outer office?

Secretary STEVENS. I think he did.

Mr. COHN. Did General Back enter your office?

Secretary STEVENS. I think he did.

Mr. COHN. Did he ask you if you would see General Lawton?

Secretary STEVENS. I do not think he asked me. I think he told me General Lawton was out there, and did I want to see him.

Mr. COHN. Did you see General Lawton to get his explanation of what he had said?

Secretary STEVENS. No, because I had this memorandum coming in, and that was the information I wanted about the speeches that he had made on the post.

Mr. COHN. Was this the same afternoon that Mr. Adams telephoned you and told you that Senator McCarthy would not agree to remain silent if a reprisal was taken against General Lawton?

Secretary STEVENS. I do not remember whether that was in the morning or the afternoon, but I think it was the same day.

Mr. COHN. It was all around the same time, is that right, sir?

Secretary STEVENS. The same day, I think.

Mr. COHN. I see. I want to leave that for a minute, if I might, Mr. Secretary, and come to this: Allegation on the Adams-Stevens allegation, whatever it might be called, No. 12 of improper means used to get preferential treatment for Private Schine, you list a meeting that took place in your office on the afternoon of November 16 in which you say that Mr. Carr and I made threats to you. That is listed as allegation No. 12 of the improper means to get preferential treatment for Private Schine. I wonder if you could tell the committee whether or not Private Schine's name was mentioned on that afternoon.

Secretary STEVENS. I do not recall, Mr. Cohn, at this moment that Schine was, but I would like to think about it.

Mr. COHN. I see.

Mr. Chairman, I have no more objection to the Secretary's trying to think about anything he might have said or know about me than I do to his trying to think about anything he said about Mr. Carr. I wonder this, though: Could you now tell us, having listed this very serious allegation against me, whether or not you can recall my saying anything about Private Schine to you on that afternoon?

Secretary STEVENS. No, but I can remember some other things you said.

Mr. COHN. Were they with reference to Private Schine, sir?

Secretary STEVENS. They were with reference to my press conference and also to the hearings.

Mr. COHN. First of all, this is listed as allegation No. 12 of "Use of improper means to get preferential treatment for Pvt. G. David Schine." I was wondering if you want to tell the committee whether or not I used any improper means, or Mr. Carr did, on that afternoon to get preferential treatment for Private Schine.

Secretary STEVENS. Well, Mr. Cohn, I only know how to answer these questions by using a few words. It is not an agreement to prolong or evade or anything else, but I can give you my general feeling about that meeting if you want me to.

Mr. COHN. That would be fine, and I wonder first if we could do this: Would you agree with me, sir, that Mr. John Adams at your request telephoned me at my home on Sunday afternoon, November 15, and asked me to come to Washington and be in your office the next morning, and stated that if I could not be there you and he would fly to New York to see me that Sunday night?

Secretary STEVENS. John Adams will have to testify about that. I do not recall.

Mr. COHN. I just wondered if you could tell us whether or not Mr. Adams called me, carrying a message from you——

Secretary STEVENS. I cannot tell you.

Mr. COHN. Asking me to be present in your office the next afternoon to discuss a matter with you concerning which you were very much distressed, whether or not you had Mr. Adams tell me at your request that if I could not be there, the matter was of such urgency to you that you and he would fly up to New York to see me that very same Sunday night.

Secretary STEVENS. I have no knowledge of that. I do not remember anything about that.

Senator MUNDT. Mr. Cohn, your time has expired.

Mr. Jenkins?

Mr. JENKINS. Mr. Secretary, as I understand it, you had under consideration relieving General Lawton prior to November 24, for reasons that you have stated, is that correct?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. And as I further understand it, you have the authority as Secretary of the Army to relieve a general of his command if in your discretion you think it proper?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. And without the advice or consent of any other person?

Secretary STEVENS. Well, that isn't the way it would work, in practice, but I could do it.

Mr. JENKINS. Certainly without the advice and consent of Senator McCarthy?

Secretary STEVENS. That is right.

Mr. JENKINS. Now, Mr. Stevens, you were asked whether or not Mr. Adams went to New York City on November 24, and was sent there by you, and whether or not his mission was to talk to Senator McCarthy and find out whether or not Senator McCarthy would make a public issue of it if you relieved General Lawton of his command.

As I understood your answer, you said that you did not remember it, is that right, Mr. Secretary?

Secretary STEVENS. My recollection is that Mr. Adams went to New York to attend the public hearings of the Fort Monmouth hearings by this committee, and that I telephoned him while he was there and told him that I was giving thought to this matter, and asked him to take it up with Senator McCarthy and advise him about it.

Mr. JENKINS. All right, you called him in New York, on long distance, and told him to tell Senator McCarthy that you were giving thought to relieving General Lawton and to find out how Senator McCarthy felt about it.

Secretary STEVENS. Yes, sir; that is right.

Mr. JENKINS. Is that right?

Secretary STEVENS. I wanted to inform him absolutely and know what his reaction was.

Mr. JENKINS. Why is that a matter of any concern to you, Mr. Secretary—

Secretary STEVENS. Because—

Mr. JENKINS. What he felt about it? You said you made the decisions without consulting and advising him, and it was charged here that you were going to relieve General Lawton from his command because he had cooperated with the McCarthy committee.

Now, you see the implications of this, and the importance of it, and the committee wants to know do you now say that you telephoned Mr. Adams and told him to tell Senator McCarthy that you had under consideration relieving General Lawton, and that you wanted Senator McCarthy advised about it to get his reaction. If that right?

Secretary STEVENS. That is the way it was.

Mr. JENKINS. Why was that, Mr. Secretary?

Secretary STEVENS. Wholly on the basis of the cooperation with Senator McCarthy and this committee which I have testified to at length, and it was another evidence of my desire not to take any action that could be considered noncooperative by Senator McCarthy. And I think if I had taken the arbitrary action of relieving General Lawton, that Senator McCarthy would have considered that as an act of noncooperation by the Army with this committee, and I didn't want to do that.

Mr. JENKINS. In other words, you felt that, or you understood that General Lawton had been cooperating with the McCarthy committee, didn't you?

Secretary STEVENS. Oh, yes, sir, and so had I.

Mr. JENKINS. In the investigation of these subversives.

Secretary STEVENS. That is right.

Mr. JENKINS. And the dismissal or suspension of them?

Secretary STEVENS. That is right.

Mr. JENKINS. And you knew that General Lawton himself had suspended a number on his own volition, since about October 1, didn't you?

Secretary STEVENS. That is right.

Mr. JENKINS. And, Mr. Secretary, you say that you did not want to relieve General Lawton without first learning of what sort of a reaction it would bring from Senator McCarthy and with the fear, shall we say, that he might charge that you had done it as a reprisal, is that right, because of Lawton's cooperation with him, McCarthy; is that it?

Secretary STEVENS. May I have that recorder read that please, Mr. Jenkins?

Senator MUNDT. Read the question.

(Whereupon, the question referred to was read by the reporter, as recorded above.)

Secretary STEVENS. I don't know anything about reprisal, Mr. Jenkins.

Mr. JENKINS. Let me ask you this question. You had relieved other generals, I take it, of their command from time to time, had you not?

Secretary STEVENS. No, sir; I had not.

Mr. JENKINS. He was the only one under consideration?

Secretary STEVENS. At that time, yes, sir.

Mr. JENKINS. You had never consulted Senator McCarthy about any other change, promotion, demotion, switching, or changing or anything of the kind, had you, of the personnel of the Army?

Secretary STEVENS. That is right.

Mr. JENKINS. Now, it might appear to this committee, and I don't know how their minds are running, that you did not want or perhaps was afraid to relieve General Lawton without first finding out whether or not he would make an issue of it, and charge you with

having done it as a reprisal against General Lawton by reason of his cooperation with McCarthy, Senator McCarthy.

Now, Mr. Secretary, the committee, I am sure, wants to know whether or not the purpose of your long distance call to Mr. Adams was to get him to ascertain whether or not Senator McCarthy would make an issue of it. Now, was it or not?

Secretary STEVENS. My purpose——

Mr. JENKINS. I believe you can answer it yes or no.

Secretary STEVENS. The purpose of my call was to inform Senator McCarthy that I had this under consideration.

Mr. JENKINS. Well, why inform Senator McCarthy? He had nothing to do with it.

Secretary STEVENS. To inform him because of my policy of constant and continued cooperation with the committees of the Congress, and with your permission, I would like to read just 5 lines from a report of this committee, just 2 weeks after the date we are talking about, published public hearing on Fort Monmouth, and this statement by the chairman of this committee:

The CHAIRMAN. We will have to call all of the members of the Board and put them under oath, and may I say, John——

referring to Mr. Adams——

and this is not a criticism of you, I think that you have tried to cooperate with this committee fully, and I think Mr. Stevens has.

That is an official report of this committee.

Mr. JENKINS. Mr. Secretary, now let us keep to the issues. This serious charge is made against you by the McCarthy staff that by reason of General Lawton's cooperation with you or his attitude toward subversives you were about to relieve him of his command at Fort Monmouth with the implication of their charge is that you were afraid to do so until you first ascertained whether or not Senator McCarthy would make it a public issue.

Now, that is the charge against you.

Secretary STEVENS. I was not afraid to do so.

Mr. JENKINS. I didn't ask you that question; I am pinpointing the charge.

You do say that you called Mr. Adams and told him to tell Senator McCarthy that you had under consideration relieving General Lawton; that is correct, isn't it?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. And I believe you say that you told Mr. Adams to get Senator McCarthy's reaction to that, am I correct in that?

Secretary STEVENS. To inform him, that is right.

Mr. JENKINS. You wanted to know how Senator McCarthy would feel——

Secretary STEVENS. That is right.

Mr. JENKINS. If you relieved General Lawton?

Secretary STEVENS. That is correct.

Mr. JENKINS. That is correct, isn't it?

Secretary STEVENS. That is right.

Mr. JENKINS. Now, I think we are entitled to a "yes" or "no" answer on this. Did you tell Mr. Adams to convey to Senator McCarthy the fact that you were going to relieve him if he, Senator McCarthy, would not make a public issue of it?

Secretary STEVENS. I don't recall that, Mr. Jenkins.

Mr. JENKINS. Now, Mr. Secretary, I was criticized very severely. And I don't mind confessing it here in public, maybe I deserved it. If I do, I now offer a public apology for pressing this private yesterday on a yes or no answer. You are the Secretary of the Army. And I think this committee is entitled—that is a tremendously important issue in this. And you have known about these charges for some time.

I am not arguing with you. You have had some 1 or 2 or 3 days rest. Now you tell this committee that on that tremendously vital issue, that is, whether or not you told Mr. Adams to tell Senator McCarthy that you were going to relieve this general, General Lawton, if he would not make a public issue of it, your answer today is "I don't remember."

Now, Mr. Secretary, you ought to explain why you don't remember that.

Secretary STEVENS. My answer to that is "No, but."

Mr. JENKINS. I beg your pardon?

Secretary STEVENS. My answer to your question is "No, but."

Mr. JENKINS. "No, but"?

Secretary STEVENS. You say you want "yes" or "no," and I say, "No, but we understand——"

Mr. JENKINS. Your previous answer was that you didn't remember, wasn't it? That is correct, isn't it? I will have him read it.

Secretary STEVENS. All right, let us read it.

Mr. JENKINS. Read the question and read the answer.

Senator MUNDT. Will the reporter go back to the colloquy at issue, and read sufficiently so that we can find out what has been said by the witness?

(Whereupon, the previous question and answer were read by the reporter as above recorded.)

Mr. JENKINS. All right, your answer is that you don't recall it.

Do you mean by that that you don't remember about it?

Secretary STEVENS. No. I am just trying to handle this "yes" or "no" business, Mr. Jenkins.

Mr. JENKINS. Are you able to say positively that you did not do that?

Secretary STEVENS. On that question the way it was read, the way I concentrated on it while the reporter was reading it, I would say "No," but then I would like to offer an explanation.

Mr. JENKINS. Very well.

Secretary STEVENS. That question says "conveyed to Senator McCarthy the fact that I was going to relieve General Lawton." That was not the fact.

Mr. JENKINS. The question goes further than that.

Secretary STEVENS. But——

Senator MUNDT. You are trying to correct that one phrase, isn't that right?

Secretary STEVENS. Yes. That wasn't what I said. I didn't know whether or not I was going to relieve General Lawton, and the fact is I did not, and he is still the commander there, and has done a splendid job.

Mr. JENKINS. Are you able now and do you deny now positively that you told Mr. Adams, your attorney, to convey the message to Senator McCarthy that you were going to relieve General Lawton of

his command of Fort Monmouth if he, Senator McCarthy, would not make a public issue of it?

Secretary STEVENS. Yes, I deny that.

Mr. JENKINS. You deny that and say positively it did not occur?

Secretary STEVENS. That is right, but what I would like to make clear, if I haven't already, is that I told Mr. Adams I would like Senator McCarthy to be informed about this, that I was cooperating with his committee and I didn't want to do anything that was noncooperative, and I would like to know what Senator McCarthy's reaction was.

Mr. JENKINS. Mr. Secretary, this one last question: In view of the fact that you, and you alone, were charged with the responsibility of relieving the general, did you, and you alone, in view of his qualifications, the character of the work he was doing, feel that Senator McCarthy was in no position whatever, being in the legislative branch of the Government, to pass on the qualities or fitness of General Lawton to preside over the destinies of Fort Monmouth, and in view of the fact that you say now that you called Mr. Adams in New York City and told him to tell Senator McCarthy that you were considering relieving General Lawton of that command, and, as I remember, that you wanted the Senator's reaction to that—is it not a fact, Mr. Secretary, that you did not—would not relieve General Lawton of that command without first either getting Senator McCarthy's consent to do so or his reactions that would occur if you did do so?

Secretary STEVENS. That, if I may say so, Mr. Jenkins, is a rather complicated question, but I will try to answer it.

Mr. JENKINS. There is no trick to it.

Secretary STEVENS. I know there is no trick to it. I realize that, sir. If I had come to the conclusion that General Lawton should be relieved, I would have done so. But I thought it was appropriate, when I started thinking about it seriously, to advise Senator McCarthy, because I wanted to follow my policy of cooperation here, and I did not want this committee to feel that I was acting in a noncooperative manner.

Mr. JENKINS. This other question: Would you have construed the removal of General Lawton from the command of Fort Monmouth as an act of disloyalty to Senator McCarthy or his committee?

Secretary STEVENS. No, sir.

Mr. JENKINS. Or as an act that would be construed as being an attitude of noncooperation with the committee on your part?

Secretary STEVENS. I think it could have been considered as a noncooperative thing, yes, because I know that Senator McCarthy and his staff thought highly of the cooperation from General Lawton, and it seemed to me, therefore, appropriate, since they were working very closely with that installation, that he ought to know of any major change like that that I might have in mind.

Mr. JENKINS. I take it that during the period of your consideration of the fate of General Lawton at Fort Monmouth, you also considered his successor?

Secretary STEVENS. No, sir, I didn't.

Mr. JENKINS. Regardless of who his successor would have been, he would have been a man who would have cooperated with Senator McCarthy and his staff just like General Lawton did?

Secretary STEVENS. That is correct.

Mr. JENKINS. In which instance Senator McCarthy would have had no cause to complain or make an issue of it. That is right, is it not?

Secretary STEVENS. That is right. But General Lawton had already demonstrated his cooperation, and it seemed to me that Senator McCarthy would like to know about that if I were going to make a change.

Mr. JENKINS. Well, I take it that the message you got back from Mr. Adams was that Senator McCarthy would have construed it as a reprisal against General Lawton, is that correct?

Secretary STEVENS. I do not know about reprisal, but I certainly got the word back that Senator McCarthy would not be pleased if Lawton were relieved.

Mr. JENKINS. That he would not be pleased if Lawton were relieved?

Secretary STEVENS. That is right.

Mr. JENKINS. Who conveyed that message to you?

Secretary STEVENS. Mr. Adams, as I recall it.

Mr. JENKINS. You did not relieve General Lawton thereafter?

Secretary STEVENS. I did not then and haven't since, and I have no intention of it.

Mr. JENKINS. Was it because of the word you got from Mr. Adams that Senator McCarthy would not stand for it or would be displeased?

Secretary STEVENS. No, sir; it was not.

Mr. JENKINS. Further investigation revealed, then, that General Lawton was the right man to continue there, and that is the only reason you continued him; and the fact that it did not meet with the approval of Senator McCarthy had nothing to do with it?

Secretary STEVENS. Absolutely not. I settled it on the merits.

Mr. JENKINS. That is all.

Senator MUNDT. Mr. Welch, our watchdog of the time, has been signaling to the chairman. He asked me at the lunch hour—he wanted to go to Boston this afternoon. I believe, therefore, that we might as well adjourn at this point until 10:30 Monday morning. The Chair would like to have an executive meeting of the committee in his office at 5 o'clock.

(Whereupon, at 4:40 p. m., a recess was taken until 10:30 a. m. Monday, May 3, 1954.)

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